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**TITLE 329 SOLID WASTE MANAGEMENT  
BOARD**

LSA Document #05-85(F)

**DIGEST**

Adds 329 IAC 3.1-6-7 to conditionally exclude from regulation under 329 IAC 3.1 wastewater treatment sludge from the conversion coating of aluminum, hazardous waste code F019, generated by General Motors Corporation, Fort Wayne Assembly Plant, Fort Wayne, Indiana. Effective 30 days after filing with the Secretary of State.

**HISTORY**

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-7 and Second Notice of Comment Period: June 1, 2005, Indiana Register (28 IR 2821).

Notice of First Hearing: October 1, 2005, Indiana Register (29 IR 51).

Date of First Hearing: October 18, 2005.

Proposed Rule and Third Notice of Comment Period: December 1, 2005, Indiana Register (29 IR 840).

Notice of Second Hearing: December 1, 2005, Indiana Register (29 IR 846).

Date of Second Hearing: January 17, 2006.

**329 IAC 3.1-6-7**

SECTION 1. 329 IAC 3.1-6-7 IS ADDED TO READ AS FOLLOWS:

**329 IAC 3.1-6-7 Waste excluded from regulation; General Motors Corporation, Fort Wayne Assembly Plant, Fort Wayne, Indiana**

**Authority:** IC 13-14-8; IC 13-14-9-7; IC 13-22-2

**Affected:** IC 13-22

**Sec. 7. Wastewater treatment sludge, hazardous waste code F019, that is generated by General Motors Corporation (General Motors) at the Fort Wayne Assembly Plant, Fort Wayne, Indiana is excluded from regulation under this article so long as management of the waste complies with all of the following conditions:**

**(1) No concentration of a constituent listed in Table 1 may exceed the delisting level for that constituent listed in Table 1. The delisting levels listed in Table 1 are the maximum concentration of that constituent measured in the extract of the wastewater treatment sludge using the extraction methods described in subdivision (2).**

**Table 1. Maximum Delisting Levels for Inorganic and Organic Constituents**

<b>Constituent</b>	<b>Chemical Abstract Service Registry Number</b>	<b>Delisting Level (mg/L)<sup>1</sup></b>
<b>Inorganic Constituents:</b>		
Antimony	7440-36-0	0.5
Arsenic	7440-38-2	0.225
Barium	7440-39-3	100
Beryllium	7440-41-7	1.0
Cadmium	7440-43-9	0.36
Chromium	7440-47-3	3.71
Cobalt	7440-48-4	18.0
Cyanide	57-12-5	8.63
Lead	7439-92-1	5.0 <sup>2</sup>
Mercury	7439-97-6	0.116
Nickel	7440-02-0	67.8

Selenium	7782-49-2	1.0 <sup>2</sup>
Silver	7440-22-4	5.0 <sup>2</sup>
Thallium	7440-28-0	0.211
Tin	7440-31-5	540
Vanadium	7440-62-2	65.0
Zinc	7440-66-6	673
<b>Volatile Organic Compounds:</b>		
Acetone	67-64-1	1,500
Acetonitrile	75-05-8	77.5
Acrylonitrile	107-13-1	0.006
Allyl chloride	107-05-1	0.120
Benzene	71-43-2	0.057
n-Butanol	71-36-3	171
Carbon tetrachloride	56-23-5	0.034
Chlorobenzene	108-90-7	2.70
Chloroform	67-66-3	0.035
Chloromethane	74-87-3	9.700
1,1-dichloroethane	75-34-3	61.35
1,2-dichloroethane	107-06-2	0.035
1,1-dichloroethene	75-35-4	0.300
cis-1,2-dichloroethene	156-59-2	3.19
trans-1,2-dichloroethene	156-60-5	4.56
Ethyl benzene	100-41-4	31.9
Formaldehyde	50-00-0	43.5
Methylene chloride	75-09-2	0.216
Methyl ethyl ketone	78-93-3	200 <sup>2</sup>
Methyl isobutyl ketone	108-10-1	1,000
Methyl methacrylate	80-62-6	460
Styrene	100-42-5	4.56
1,1,1,2-Tetrachloroethane	630-20-6	0.182
1,1,2,2-Tetrachloroethane	79-34-5	0.330
Tetrachloroethene	127-18-4	0.228
Toluene	108-88-3	45.6
1,1,1-trichloroethane	71-55-6	9.11
1,1,2-trichloroethane	79-00-5	0.058
Trichloroethene	79-01-6	0.228
Vinyl acetate	108-05-4	32
Vinyl chloride	75-01-4	0.002
Xylenes	1330-20-7	13.93
<b>Semivolatile Organic Compounds:</b>		
bis-(2ethylhexyl) phthalate	117-81-7	0.146
Butyl benzyl phthalate	85-68-7	69.6
m-Cresol	108-39-4	85.5
o-Cresol	95-48-7	85.5
p-Cresol (4-methylphenol)	106-44-5	8.55
1,4-dichlorobenzene	106-46-7	3.24
2,4-dimethylphenol	105-67-9	34.2
2,4-dinitrotoluene	121-14-2	0.005
Diethyl phthalate	117-84-0	0.168

Hexachlorobenzene	118-74-1	1.6 × 10 <sup>-4</sup>
Hexachlorobutadiene	87-68-3	0.016
Hexachloroethane	67-72-1	0.225
Naphthalene	91-20-3	0.546
Nitrobenzene	98-95-3	0.855
Pentachlorophenol	87-86-5	0.007
Pyridine	110-86-1	1.71
2,4,5-trichlorophenol	95-95-4	68.6
2,4,6-trichlorophenol	88-06-2	0.290

<sup>1</sup>mg/L means milligrams per liter.

<sup>2</sup>The delisting level for this constituent was higher than the toxicity characteristic regulatory level in 40 CFR 261.24, therefore the toxicity characteristic regulatory level applies.

(2) Except as provided in clauses (E) and (F), General Motors shall obtain two (2) duplicate representative samples of the delisted waste each quarter and analyze them for the constituents listed in Table 2 as follows:

(A) Constituents must be extracted using Method 1311, Toxicity Characteristic Leaching Procedure (TCLP), described in “Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods”, U.S. Environmental Protection Agency Publication SW-846, Third Edition, as amended by Updates I, II, III, and IIIA\* (SW-846).

\*U.S. Environmental Protection Agency Publication SW-846 is available from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, (202) 783-3238.

(B) Metals must be extracted using Method 1330A, Oily Waste Extraction Procedure, if oil and grease levels exceed ten thousand (10,000) milligrams per kilogram.

(C) Constituents must be analyzed in accordance with the SW-846 methods listed for each in Table 2.

(D) The detection level for each method used to analyze the constituents in Table 2 must be less than the delisting level described in Table 1.

(E) If the relative percent difference (RPD) between the two (2) samples is forty percent (40%) or less for the first four (4) quarters, then General Motors may obtain and analyze one (1) representative sample of the delisted waste each following quarter. The RPD is calculated for each constituent and equals one hundred (100) times the absolute value of the difference between the results divided by the average of the results, as follows:

$$RPD = 100 [(|x_1 - x_2|) / \{(x_1 + x_2) / 2\}]$$

where  $x_1$  equals sample results and  $x_2$  equals duplicate results.

(F) If any sample result shows any constituent listed in Table 2 at or above fifty percent (50%) of the delisting level for that constituent, then General Motors must analyze two (2) duplicate samples each quarter until authorized by the department to analyze one (1) sample each quarter.

(G) Nothing in this section prohibits General Motors from requesting at any time that the solid waste management board modify this section to allow less frequent verification testing.

Table 2. Constituents for which Quarterly Testing is Required

Constituent	SW-846 Method	Constituent	SW-846 Method
Acetone	8260B	Formaldehyde	8315A
Barium	6010B or 6020	Lead	6010B or 6020
bis-(2ethylhexyl) phthalate	8270C	Nickel	6010B or 6020
n-Butanol	8260B	Selenium	6020
Chromium	6010B or 6020	Tin	6010B or 6020
Cobalt	6010B or 6020	Toluene	8260B
p-Cresol (4-methylphenol)	8270C	Zinc	6010B or 6020

(3) If waste testing or other information available to General Motors shows that any constituent in Table 1 has exceeded the delisting level for that constituent, or General Motors makes changes in the Fort Wayne Assembly Plant that cause hazardous constituents listed in Table 1 to exceed the delisting level for that constituent, General Motors must do all of the following:

(A) Notify the department in writing within ten (10) days of first possessing or being made aware of such data.

(B) Demonstrate that the waste continues to meet all delisting levels in Table 1.

(C) Manage the waste as hazardous waste until General Motors receives written approval from the commissioner to resume managing the waste under this exclusion.

(4) General Motors must submit an annual report that summarizes the data obtained through quarterly verification testing required by subdivision (2) to the department by February 1 of the following year. The report must include the results of each required analysis for the previous calendar year.

(5) General Motors must compile, summarize, and maintain records of operating conditions and analytical data. The records must be:

(A) maintained for a minimum of five (5) years; and

(B) made available for inspection by the department during normal working hours.

(6) All data required by this section must be accompanied by a signed copy of the certification statement in 40 CFR 260.22(i)(12).

(7) The delisted waste must be disposed of in a:

(A) municipal solid waste landfill permitted under 329 IAC 10; or

(B) hazardous waste disposal facility permitted under this article.

(8) If, at any time after disposal of the delisted waste, General Motors possesses or is otherwise made aware of any data, including, but not limited to, leachate data or ground water monitoring data, or any other data relevant to the delisted waste indicating that any constituent identified in:

(A) Table 1 is at a level in the leachate that is higher than the specified delisting level; or

(B) Table 3 is in the ground water at a concentration that is higher than the maximum allowable ground water concentration in Table 3;

then General Motors must report such data in writing to the department within ten (10) days of first possessing or being made aware of that data.

**Table 3. Maximum Allowable Ground Water Concentrations (mg/L)<sup>1</sup>**

Acetone .....	3.75	Formaldehyde .....	1.38
Barium .....	2.0	Lead .....	0.015
bis-(2ethylhexyl) phthalate .....	0.0015	Nickel .....	0.75
n-Butanol .....	3.75	Selenium .....	0.75
Chromium .....	0.1	Tin .....	22.5
Cobalt .....	2.2	Toluene .....	1.0
p-Cresol (4-methylphenol) .....	0.19	Zinc .....	11.2

<sup>1</sup>mg/L means milligrams per liter.

(9) No more than three thousand (3,000) cubic yards of delisted waste may be disposed of in any calendar year under this exclusion.

*(Solid Waste Management Board; 329 IAC 3.1-6-7; filed May 31, 2006, 9:30 a.m.: 29 IR 3351)*

*LSA Document #05-85(F)*

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